

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Building Code Enforcement
(Amendment)

815 KAR 4:010. Annual inspection of elevators, chairlifts, fixed guideway systems, and platform lifts.

RELATES TO: KRS 198B.400, 198B.470, 198B.480, 198B.500, 198B.510, 198B.540

STATUTORY AUTHORITY: KRS 198B.060(18), 198B.490

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.490 requires ~~[the commissioner of]~~ the Department of Housing, Buildings and Construction to promulgate administrative regulations governing the safety and inspection of elevators as defined by KRS 198B.400(1) and fixed guideway systems as defined by KRS 198B.400(11). KRS 198B.490(1) authorizes the department to prescribe, by administrative regulation, a reasonable fee to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B. This administrative regulation establishes the annual inspection requirements and fees for elevators, chairlifts, fixed guideway systems, and platform lifts within the Commonwealth.

Section 1. Annual Inspection of Elevators, Chairlifts, Fixed Guideway Systems, and Platform Lifts. An annual inspection of an elevator, chairlift, fixed guideway system, or platform lift shall be conducted in accordance with the standards as established and incorporated by reference in 815 KAR 7:120, Kentucky Building Code.

Section 2. Inspection Fees. (1) The annual inspection fee for the issuance of a certificate of operation shall be as follows:

Elevators	Inspection Fee
<u>Stair Lift, Chairlift, [Stair Chair Lift or] Platform Lift, or Fixed Guideway System</u>	[\$75] <u>\$100</u>
Dumbwaiter	[\$85] <u>\$110</u>
Limited Use, Limited Access (Lula)	[\$100] <u>\$125</u>
Moving Sidewalk	[\$100] <u>\$125</u>
Passenger	[\$100] <u>\$125</u>
Hydraulic	[\$100] <u>\$125</u>
Special Purpose (private residential or vertical reciprocating conveyor)	[\$100] <u>\$125</u>
Escalator	[\$120] <u>\$145</u>
Freight	[\$200] <u>\$225</u>
Traction	[\$100] <u>\$125</u> for initial ten (10) stories; plus \$10 for each additional ten (10) stories or portion thereof

(2) The fee for an inspection conducted at the request of the owner or user of a unit, other than an inspection made pursuant to a construction, installation, or alteration permit, or annual inspection, shall be subject to the same fee schedule as an annual inspection in subsection (1) of this section.

Section 3. Certificate of Approval. The department shall issue a certificate of approval after successful completion of a final inspection. ~~[Upon demonstration during final inspection of compliance with applicable codes and standards for the elevator, chairlift, or platform lift, a certificate of approval shall be issued by the department.]~~

KERRY B. HARVEY, Secretary

RICK W. RAND, Commissioner,

APPROVED BY AGENCY: July 6, 2021

FILED WITH LRC: July 6, 2021 at 12:27 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 27, 2021 at 10:00 a.m., eastern time, in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interest in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021 at 11:59 p.m., eastern time. Send written notification of the intent to be head at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

CONTACT PERSON: Benjamin Siegel, General Counsel, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, phone (502) 782-0604, fax (502) 573-1057, email benjamin.siegel@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Benjamin Siegel

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the annual inspection requirements and fees for elevators, chairlifts, fixed guideway systems, and platform lifts within the Commonwealth.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the administrative regulations governing the safety and inspection of elevators, chairlifts, fixed guideway systems and platform lifts within the Commonwealth pursuant to KRS 198B.490(1).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 198B.490 requires the Department of Housing, Buildings and Construction to promulgate administrative regulations governing the safety and inspection of elevators as defined by KRS 198B.400(1) and fixed guideway systems as defined by KRS 198B.400(11). KRS 198B.490(1) authorizes the department to prescribe, by administrative regulation, a reasonable fee to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a

schedule of fees for the functions performed under KRS Chapter 198B.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the fee schedule and inspection requirements for elevators, chairlifts, and platform lifts within the Commonwealth.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will change the existing administrative regulation by including the term “fixed guideway systems” to the list of items regulated for clarification and by increasing the annual inspection fees for issuance of a certificate of operation for elevators, chairlifts, fixed guideway systems, and platform lifts.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure that the spectrum of items which need to be inspected pursuant to the authorizing statute are included in this administrative regulation. This amendment is also necessary to increase fees for annual inspections to address growing financial and personnel concerns within the Elevator Inspection Division. In order to keep up with the current annual inspection workload, approximately 18,456 units, the elevator inspection section will need to add an additional three (3) inspectors to its staff and create an additional supervisor position that will be filled through an internal register.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 198B.490 requires the Department of Housing, Buildings and Construction to promulgate administrative regulations governing the safety and inspection of elevators as defined by KRS 198B.400(1) and fixed guideway systems as defined by KRS 198B.400(11). KRS 198B.490(1) authorizes the department to prescribe, by administrative regulation, a reasonable fee to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will ensure that all applicable items are inspected by including the term “fixed guideway systems” in this administrative regulation. The increased fees will be utilized to ensure that annual inspections for elevators, chairlifts, fixed guideway systems, and platform lifts within the Commonwealth are completed in a timely and thorough manner to ensure safety of all passengers, operators, and materials.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals, businesses, organizations, and state and local governments that operate or own elevators, chairlifts, fixed guideway systems, and platform lifts within the Commonwealth will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in Question (3) will have to take to comply with this administrative regulation or amendment: This amendment will not impose any additional requirements on any of the regulated entities identified in question (3).

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Each of the entities identified in question (3) that operate an elevator, chairlift, fixed guideway system, or platform lift will continue to be responsible to pay the annual inspection fees identified in the fee schedule in this administrative regulation. The fee will increase by \$25 per inspection.

(c) As a result of compliance, what benefits will accrue to the entities identified in question

(3): Upon successful passage of an annual inspection, the entities identified in question (3) will receive a certificate of operation to continue to operate their elevators, chairlifts, fixed guideway systems, and platform lifts.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no anticipated additional costs to implement this administrative regulation initially.

(b) On a continuing basis: There are no anticipated additional costs to implement this administrative regulation on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of this amendment is anticipated to result in no additional costs to the department. Any cost resulting from this amendment will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment increases annual inspection fees for certificates of operation for elevators, chairlifts, fixed guideway systems, and platforms by \$25.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation establishes the fees for annual inspections of elevators, chairlifts, fixed guideway systems, and platform lifts within the Commonwealth, this amendment increases the annual inspection fees by \$25.

(9) TIERING: Is tiering applied? Tiering is not applied as all entities affected by this administrative regulation must receive annual inspections for as many applicable items they operate.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? All units, parts and divisions of state and local government that operate or own elevators, chairlifts, fixed guideway systems, and platform lifts within the Commonwealth will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 198B.490 requires the Department of Housing, Buildings and Construction to promulgate administrative regulations governing the safety and inspection of elevators as defined by KRS 198B.400(1) and fixed guideway systems as defined by KRS 198B.400(11). KRS 198B.490(1) authorizes the department to prescribe, by administrative regulation, a reasonable fee to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is anticipated to generate an additional \$461,400 annually for the Department of Housing, Buildings and Construction for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is anticipated to generate approximately an additional \$461,400 annually for

the Department of Housing, Buildings and Construction for subsequent years. This number will likely increase if the number of new units that are installed in the Commonwealth exceed the number of units that are scrapped or removed.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this regulatory amendment for the first year.

(d) How much will it cost to administer this program for subsequent years? There are no anticipated additional costs to administer this regulatory amendment for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \$461,400

Expenditures (+/-): None

Other Explanation: Revenues generated will be utilized to fund additional elevator inspector and supervisor positions within the Department of Housing, Buildings and Construction as well as general operating costs.